

**MEDINA CITY COUNCIL
REGULAR MEETING MINUTES**

April 12, 2004
7:00 PM

Medina City Hall
501 Evergreen Point Road

ROLL CALL

Present: Council members Miles Adam, Drew Blazey, Katie Phelps, Deputy Mayor Nunn, Bob Rudolph and Mayor Mary Odermat.
Absent/Excused: Council member Pete Vall-Spinosa

Staff Present: City Manager (CM) Doug Schulze, City Attorney Kirk Wines, Police Chief Jeff Chen, Director of Public Works (DPW) Shel Jahn, Planning Director (PD) Joseph Gellings and Recording Secretary Carol Wedlund. Consultant Building Official (BO) Bob Rohrbach was also present, as well as Jamie Burford and Pat Crickmore, of the PW staff.

CALL TO ORDER

The meeting of the Medina City Council was called to order at 7:06 p.m.

APPROVAL OF MEETING AGENDA

By consensus, the Council deferred agenda item J-7, Authorize Labor Agreement with Police Officers, to Executive Session.

ANNOUNCEMENTS

Mayor Odermat relayed the following:

- City Manager Schulze will be on vacation April 13 through April 16, 2004. DPW Jahn will serve as Acting City Manager in his absence.
- The Suburban Cities Association quarterly membership meeting will take place at 6:00 p.m. on Wednesday, April 14, 2004 at the Embassy Suites Hotel in Tukwila.
- Annual Personal Financial Affairs Statements are due Thursday, April 15, 2004. Forms are on the Public Disclosure Commission website at <http://www.pdc.wa.gov/f1/>, and their toll-free number is 1-877-601-2828.
- An Emergency Preparedness presentation will be given in the Council Chambers by Barb Graff and Joann Jordan, with the City of Bellevue, on Monday, April 19, 2004 at 3:00 p.m.
- An Eastside Women Mayors' Forum will be held Monday, April 26, 2004 at the Yarrow Point City Hall.
- The City Council Authorized Compensation Study presentation by Jim Meith, Human Resources Consultant, will occur at the April Study Session
- WSDOT will give a special Medina briefing regarding SR-520 on Tuesday, April 27, 2004 at City Hall. Julie Meredith, Engineering Manager at WSDOT, and Lindsay Yamane, of Parametrix, Inc, will give the presentation. It is important to attend, as the Council will seek a consensus position at their May 10, 2004 meeting.
- The City Council Retreat will be on Saturday, May 8, 2004, with a tentative time of 8:00 a.m. to 4:00 p.m. Michael Pendleton, Ph.D., will facilitate the Retreat, and the location will be announced.

CONSENT AGENDA

Council member Blazey moved, seconded by Council member Phelps, to approve the consent agenda, and the motion carried, with Council member Rudolph abstaining for the March 8, 2004 minutes due to his absence from that meeting, and Council member Adam voting nay.

- E-1 Minutes of March 8, 2004 Council Meeting – approved
- E-2 Minutes of March 22, 2004 Council Study Session – approved
- E-3 March 2004 Checks and Finance Officer's Report – approved
- E-4 Adoption of City Council Guidelines Manual - approved

AUDIENCE PARTICIPATION

Mayor Odermat opened the meeting to audience participation.

Karen Crenshaw, 9021 NE 10th Street, requested Council direction to save an old barn at 7722 Overlake Drive West. She provided a history of the structurally sound barn, noting her discussion with staff had revealed that no MMC language really addressed it. New owners have purchased that lot and an adjacent lot, plan to plat three parcels out of the two sites, and build three homes designed by Ms. Crenshaw. The barn is tied to the proposed middle lot, with a farmhouse style home created as a complement, should the barn remain. CM Schulze commented moving the barn to a public site would open up a public benefit aspect. Ms. Crenshaw did not know what it would cost to move the barn to another location. CM Schulze suggested staff meet with the owners and report options for Council consideration.

PD Gellings added everyone involved with the acquisition and subdivision of this property wanted to save the barn. However, saving it would spend some of the lot coverage allowance. The issue at hand is allowing the barn footprint to be exempt from the structural lot coverage allowance. Historical Preservation Programs must reveal public benefit to preservation of a structure. The barn is visible from Overlake Drive West.

The Council directed staff to set up a meeting with the owner regarding barn preservation at 7722 Overlake Drive West, and to report back to the Council.

REPORTS

Police Department—Chief Chen gave an overview of MPD activity during March:

- When a Medina resident was away from home on March 19, 2004, someone kicked in their back door and stole some unique items. Their vehicle was stolen and used as a getaway car. MPD recovered it a day and a half later on NE 14th Street. Chief Chen noted the disturbing trend of forced entries in Medina, as there had been three incidences in 2004 where burglars had kicked in the door. MPD was doing follow-up investigation, taking appropriate crime prevention measures and taking action to reduce fear by residents. Chief Chen was meeting on April 13 with a local television reporter to aid in identifying suspects. MPD had also obtained footage of suspects conducting this type of activity in Seattle.
- In another March burglary, the resident's garage door did not close behind him, and he went to sleep. The garage door went back up, and someone pilfered through the garaged vehicles.
- A second suspect had been brought to justice from a burglary that occurred over a year and a half ago.
- Another individual was arrested from a burglary that occurred six months ago.
- Chief Chen introduced Officer Shannon Gibson, who was present to give a presentation about protecting our children. He noted MPD, along with a few Eastside Police Departments, had worked with the Seattle Police Department in developing the Amber Alert protocol to rapidly respond and expedite safe return of children.

Mayor Odermat referred to the MPD Monthly Activity Report and asked if the number of DUIs had increased. Chief Chen stated Washington State Patrol had reported a 20 percent increase in DUIs last year. MPD had restructured its staffing levels so that two officers were on duty most of the evening. In addition, MPD officers had participated on the Eastside DUI Task Force for several years. There were two instances in the last couple of months where individuals took the wrong ramp onto SR-520, but officers were right there to apprehend them. MPD had also recently sponsored the Anna Riley Foundation Fun Run, established after a drunk driver killed a family member.

Council member Rudolph asked whether the alarm systems had been on when the burglaries took place. Chief Chen replied the alarms were not activated, even though the residents had security systems. Council member Rudolph requested an article be placed in the next quarterly Medina Newsletter reminding residents to use security systems. He also suggested the city mount cameras sunset to sunrise to capture license plates of vehicles entering and exiting the city. Council member Phelps added the Town of Hunts Point was considering mounting cameras in entry point areas. City Attorney Wines was not certain what legalities would be involved with such action.

Officer Shannon Gibson announced she had been visiting classrooms to coach children how to respond if a stranger approached them. MPD wanted to ensure all elementary students in Medina were informed. Officer Gibson described the procedures that would be followed in the event of an Amber Alert. She turned to the 20th Anniversary Special Olympics Torch Run in early June, noting she was hoping the run would come through Medina. If so, it would converge at the City Hall dock, be met by Mercer Island Marine Patrol and ferried to Mercer Island. Officer Gibson promised to bring additional information to the Council as she learned it. She invited anyone interested in participating in the Special Olympics Torch Run to contact her.

Development Services—PD Gellings reported staff had been in regular contact with the project managers for the Medina Elementary reconstruction. The project managers were confident they could maintain the permit schedule provided to the city. No concept drawings were publicly available yet. The next milestone was the Special Use Permit application process in May or June. PD Gellings also indicated a stop work order had been issued for a T-Mobile cell tower construction project in the SR-520 right-of-way. The stop work order had been issued for public safety reasons. On a parallel track, the city had not yet seen the outcome of T-Mobile's appeal of the special use permit and variance decisions. PD Gellings gave a recap of action taken by the PC during their April 6, 2004 meeting, noting they had approved a Level II Construction Mitigation Plan, and had also discussed side yard setbacks. The PC would continue discussing the threshold at which a project moved from remodel status to new home construction. The PC had identified modest remodeling projects may be hitting that threshold unnecessarily. He explained when costs of a renovation project exceeded 60 percent of the value of the structure, it was viewed as a new home rather than as a remodel. PD Gellings added the city assigned a value to an existing structure as a

benchmark for future work. He had received comments the value established by the city was consistently below appraised value. The PC wished to review this issue.

BO Rohrbach stated if an owner initiated construction without a permit, the Code required charging an investigation fee equal to the amount of a permit, so it was essentially a double permit fee. He also suggested it might be a good idea to review whether appraised values really were high in Medina.

Council member Rudolph inquired whether the residential parking area at 1237 Evergreen Point Road had been reviewed and approved. He was concerned whether the large pre-existing trees on this site had been adequately protected from construction activities and the Code ramifications. PD Gellings stated the landscape plan reviewer had been provided with hardscape as part of the landscape plan. DPW Jahn added the owners had pulled up the existing driveway and repaved it. PD Gellings promised to review the situation. He also noted the project Council member Rudolph was referring to predated Medina's current Code. PD Gellings stated the Code implemented protection measures for each project to guarantee survival of every tree that remained on site through construction. PD Gellings indicated 13 trees had been removed from that property during the course of construction because they were either already dead or were dying.

Public Works—DPW Jahn referred to the Public Works report and responded to questions that had been raised by Council members. The Council expressed kudos to the PW staff for recent work completed at Viewpoint Park. Council member Adam requested a park use only sign in the parking area for the Viewpoint Park 84th Street dock. DPW Jahn stated two streetlights were being installed in that area, and new signs would be installed to identify the dock. PW also planned to install dawn to dusk signs.

DPW Jahn stated the city had received grant funds in the past for stream work in Fairweather Park; however, due to lack of funds, NOAA had tightened up oversight of that program, and was focusing only on streams that led to fish habitats. He had wanted to construct three check dams along the stream to develop pools and to recharge the groundwater table. DPW Jahn had set aside \$18,000 in the budget for this year, and he had been hoping NOAA would match that amount through a grant. However, he planned to install one check dam and perform maintenance for it. DPW Jahn hoped to complete the project over the next few years. Council member Phelps suggested a city fundraiser might assist with this endeavor. Mayor Odermat announced the plans for Fairweather Park were available for Council perusal in the DPW trailer. CM Schulze clarified the whole plan had previously been approved, and Phase I was funded. Phase II was supposed to follow the next year, but was not funded by the Council.

Finance Committee—Mayor Odermat indicated the Council no longer had committees at this time.

Emergency Preparedness Committee—Council member Blazey announced the March 17, 2004 meeting had been cancelled, and the next meeting might be in April. CM Schulze offered to furnish him with that information.

City Manager's Report—CM Schulze explained the Association of Washington Cities (AWC) was accepting applications from elected officials for open AWC Board positions. Although District No. 7 was not up for election this year, the At-Large No. 2 position was open. This position was for an elected official from a western Washington city with a population of less than 5,000. Any interested Council member was invited to complete the Information sheet in the packet and return it to AWC by April 29, 2004.

CM Schulze reported the April Points Mayor's Breakfast included a discussion with Mayor Connie Marshall and City Manager Steve Sarkozy from the City of Bellevue. Topics of discussion included transportation, regional forums, municipal courts, fire services, and options for developing a more collaborative and productive relationship between Bellevue and the Points communities. Bellevue's Mayor and City Manager had offered to provide their legislative agenda and to provide monthly electronic legislative briefings to Points cities. A follow up meeting is planned to discuss Bellevue's legislative agenda and opportunities for the Points cities and towns to benefit from Bellevue's legislative staff research/reports, as well as joining their efforts when we share positions on issues.

CM Schulze relayed although more than 50 customer surveys had been distributed since January, the city had only received four completed surveys. PW will soon mount a survey receptacle box on the city hall wall so that surveys may be returned anonymously.

With regard to the March Permit Performance Report, CM Schulze relayed the RCW requirement called for tracking applications received during the last 120 calendar days. Council member Adam requested a format more like that used for January 2004 and CM Schulze offered to provide more detail. CM Schulze also explained staff was still

working out the bugs with the city's permit software. He will follow up with the Council regarding the permit software cost and furnish an implementation status report.

OTHER BUSINESS

Discussion of Boarding House Regulations—PD Gellings furnished background information regarding boarding house regulations. He referred to City Attorney Wines' research which had revealed Medina's MMC definition could be improved. PD Gellings recommended refraining from any Code changes until the Council could comprehensively examine the topic of home occupations. Theoretically, a boarding house was a different land use from a single-family residence, and could be prohibited by the Zoning Code. The problem could be solved indirectly through a change to the definition of single-family dwelling. An indirect restriction already in MMC 17.64.010 allowed a maximum of two vehicles for employees and clients to be parked on the premises at a given time. He suggested this Code amendment process could be discussed at the Council Retreat, and they could be mindful of boarding houses during that dialog. City Attorney Wines added the overall fix should be integrated with home occupations. The Code as currently written allowed for single family dwellings to include renters or boarders as long as it was incidental to the use of the property as a single-family residence. He recommended adoption of a definition similar to that found in the Bellevue Code, but to add language specifying that the definition would not be used to discriminate against any protected class under state or federal law. PD Gellings relayed he had provided an update to the citizens who had complained about the boarding house issue.

Discussion of Intersection Sight Distance Standards—DPW Jahn explained materials regarding intersection sight distance standards had been distributed for the March 8, 2004 meeting. He gave background information and distributed a Medina Streets Functional Classification Map. DPW Jahn cautioned sight distance guidelines would be a contentious issue. Medina's insurance carrier had stated there was no legal requirement for implementation of such standards, but they were highly recommended. His biggest concern was for bicyclists, as drivers could not see them. He encouraged consideration of the city's intersections with the highest traffic volume. City Attorney Wines advised Medina would be increasing its liability if the city had standards for specific sight distance and they were not enforced. He did not agree with the insurance carrier that there was no obligation in common law to provide for effective sight distance. City Attorney Wines cautioned this was a case that was ripe for liability at some future time. DPW Jahn promised to furnish the Council with the ordinance language which had originally been proposed to them in September 2003. Following discussion, the majority of the Council decided the intersection sight distance guidelines ordinance first reading should be on the May 10, 2004 agenda for a public hearing, with Council member Adam voting nay. It was noted no action would be taken on the ordinance at the May 10th meeting.

Authorize Expenditure for 84th Avenue NE Tree Trimming—DPW Jahn furnished background information, noting he, PRC Chair Brazen, Mayor Odermat and Council member Adam had met with Overlake Golf representatives. Overlake wanted to participate in the tree trimming, but had funding constraints. It was explained Overlake was responsible for obtaining a variance for any fence installation, as well as the associated costs. DPW Jahn stated any trimming would only be done on Medina's side of the trees. Mayor Odermat comments from Council member Vall-Spinosa into the record which urged the Council not to spend \$30,000, but rather to put that money into tree replacement over the next 30 years. DPW Jahn commented the trees had aged significantly over the last few years, and were brittle and hollow. Further, a lot of limbs and tree tops were falling. Mayor Odermat inquired about the wisdom of keeping trees if the trunks are hollow and the limbs are brittle. PW employee Burford added the standard used varied from tree to tree, but one would have to figure out how much solid wood was inside each Poplar. DPW Jahn continued the arborist had done some borings, and felt approximately 75 percent of the Poplars were dangerous. DPW Jahn stated he was meeting with two tree trimming contractors to show them what needed to be done and to obtain estimates. Council member Phelps moved, seconded by Council member Blazey, to authorize expenditure of not more than \$30,000 for trimming of trees along 84th Avenue NE between NE 12th Street and NE 24th Street, and the motion carried unanimously. Mayor Odermat added Overlake was responsible for trimming their side of the Poplars at their cost.

Deputy Mayor Nunn left the meeting at 9:58 p.m.

Discussion of International Building Code Adoption—BO Rohrbach furnished background information and explained the proposed changes. He noted numerous architects did not want city adoption before July 1, 2004, and were attempting to submit their projects before then. He suggested adoption with an effective date of July 1, 2004. BO Rohrbach also proposed increased fee schedules to more adequately cover the city's costs for building, mechanical and grading permit and plan reviews and inspection services. He explained the new fee schedules were in Section 5 of the proposed ordinance which adopted the State Building Code as revised, and amended the MMC accordingly. Following discussion, the Council moved the International Building Code ordinance to the May 10, 2004 agenda for further discussion and adoption, with an option for the International Residential Code (IRC).

Update on Medina Beach Park Project—DPW Jahn furnished an update on the Medina Beach Park Bulkhead and General Improvement Project. CM Schulze added three to four years ago, one of the shoreline residents who had gone through a restoration project had talked about a grant program to encourage shoreline restoration. That resident might still be interested in assisting with this. The Council directed follow up with resident Lynn Grinstein regarding the shoreline restoration foundation/grant program.

Authorize Labor Agreement with Public Works Union—Council member Adam moved, seconded by Council member Rudolph, to ratify the Public Works Labor Agreement, and the motion carried unanimously.

First Quarter Financial Report—CM Schulze provided the Council with his First Quarter Financial Report in the packet. Council member Rudolph stated the city would be down about \$300,000 to \$400,000 per year, unless some cost cutting was implemented. Council member Phelps suggested this topic be included for discussion at the Council Retreat.

Council Agenda Calendar—Council member Phelps asked that the Citizen Request for Refund be an agenda item soon, and the Council agreed to discuss it during their May 10, 2004 meeting. PD Gellings reminded the Council when they dealt with the school zoning ordinance, school signage had been deferred. The Council agreed by consensus to include school signage as an agenda item within the next 90 to 120 days.

NEW BUSINESS

Girdling of Trees on NE 7th Street—Council member Rudolph was concerned about lack of a police report regarding the girdling of trees on NE 7th Street. CM Schulze stated a similar incident had occurred on the former Dustin property. The city had filed charges. However, the way the ordinance was written, Medina's City Prosecutor felt uncomfortable with being able to prevail. DPW Jahn added after the September, 2002 tree girdling incident, his PW crew had talked with residents in the area, and everyone stated they had been gone that weekend. However, one resident did indicate he had been in the area with a chain saw, but had not touched the trees. CM Schulze clarified it was difficult to pursue a case like this, unless an officer saw what happened or there was a witness. Following further discussion, the Council requested a letter be sent to neighbors along NE 7th Street regarding the city's policy for illegal tree trimming or removal. They felt the newly planted replacement tree would serve as a deterrent to reduce further tree damage. Council member Rudolph requested MPD to reopen the investigation, interview all involved parties, and to file a report. He also suggested the penalty for such action should be increased, with an article inserted in the Medina Newsletter. The Council decided by consensus not to have MPD conduct an investigation.

Enforcement of Illegal Construction Parking—It was requested MPD enforce illegal construction parking on Overlake Drive East and Evergreen Point Road, between NE 8th and NE 12 Streets.

Representation on WRIA 8—The Council decided by consensus the city did not need representation on WRIA 8.

EXECUTIVE SESSION

It was noted the Council had met in Executive Session at 6:00 p.m. tonight to discuss personnel matters, per RCW 42.30.110(g), and land acquisition, per RCW 42.30.110(c). The Council recessed into Executive Session at 11:20 p.m. to discuss personnel matters, per RCW 42.30.110(g). The meeting reconvened at 12:07 a.m.

ADJOURNMENT

Council member Adam moved, seconded by Council member Blazey, to authorize CM Schulze to enter into a labor agreement with police officers, as discussed during Executive Session, which was approved by the Council. Council member Blazey moved, seconded by Council member Adam, to adjourn the meeting at 12:10 a.m., and the motion carried unanimously.

Mayor Mary Odermat

Attest:

Caroll P. Wedlund, Recording Secretary